

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: PATRICK BANNING

No. 19-10450 ELF
CHAPTER 13
Hearing: August 20, 2019

MOTION OF CAB EAST, LLC/ FORD MOTOR CREDIT COMPANY, LLC FOR
RELIEF FROM THE AUTOMATIC CO-DEBTOR STAY, BANKRUPTCY CODE
SECTION 1301(c) RE: A LEASED 2018 FORD ESCAPE MOTOR VEHICLE

1. Movant is CAB East, LLC/Ford Motor Credit Company, LLC ("Ford Credit") with offices at the National Bankruptcy Service Center in Colorado Spring, Colorado.

2. Respondents are Debtor, Patrick Banning, and the Chapter 13 Trustee, William C. Miller, Esquire. Also a respondent is non-debtor, Jennifer Banning, a co-lessee/obligor to Ford Credit

3. On or about November 16, 2018, Debtor and Jennifer Banning leased a 2018 Ford Escape [VIN...25522] ("Vehicle") pursuant to a 36 month Motor Vehicle Lease Agreement. A copy of the Lease further identifying the Vehicle is attached as Exhibit "A".

4. Pursuant to the Lease, Ford Credit is the owner and lessor of the Vehicle.

5. The Vehicle may be now, to Ford Credit's knowledge, uninsured or improperly insured, not having coverage required by the Lease.

6. Ford Credit has incurred legal expenses in protecting its interests and is seeking adequate protection of its interests which Debtor has failed to provide.

7. There remain 31 regular payments remaining on the Lease terminates by its terms on January 16, 2022 and which is contractually due for November June 16, 2019, and thereafter.

8. Regular monthly payments on the Lease are \$478.21 each. The amount in arrears as of July 23, 2019 is \$920.76, plus fees and costs.

9. The Vehicle is a depreciating asset and unless the matter is immediately resolved Ford Credit will continue to suffer irreparable harm.

10. There is no equity in the Vehicle or the Lease for Debtor or its estate, nor is the same necessary for an effective reorganization.

11. Debtor's Chapter 13 Plan did not assume the Lease; noting in Section 6 that there were no executory contracts being assumed. [See, Doc. 28].

12. Debtor's Chapter 13 Plan was confirmed May 21, 2019

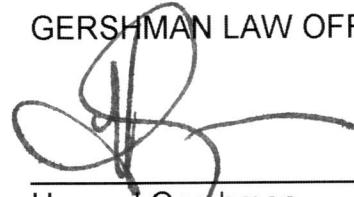
13. Consequently, the Lease was deemed rejected and the automatic stay of Bankruptcy Code §362 automatically terminated at the conclusion of the confirmation hearing.

14. Ford Credit is entitled to relief from the co-debtor stay pursuant to 11 U.S.C. § 1301(c), as the confirmed plan does not propose to pay the Lease claim.

WHEREFORE, CAB East, LLC/Ford Motor Credit Company, LLC prays this Honorable Court to enter an Order granting it relief from the automatic co-debtor stay and for such other relief as is just and equitable.

Respectfully submitted,

GERSHMAN LAW OFFICES, PC



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